

# Court of Appeals, State of Michigan

## ORDER

In re Palmer

Docket No. 355980

LC No. 05-003395-01-FC

Kirsten Frank Kelly  
Presiding Judge

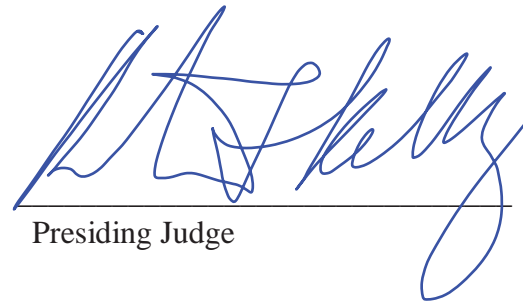
Christopher M. Murray

Cynthia Diane Stephens  
Judges

The Court orders that the complaint for writ of superintending control is GRANTED TO THE EXTENT THAT the Wayne Circuit Court shall decide the narrow issue of whether or not defendant is entitled to an evidentiary hearing. In the order of January 12, 2018 in Docket No. 339546, this Court directed the trial court to issue an order deciding the motion. This Court did not direct the trial court to hold an evidentiary hearing, but merely to decide whether defendant was entitled to an evidentiary hearing. The matter therefore is REMANDED to the trial court, and the trial court is directed to issue a written decision, within 35 days of the date of this order, resolving whether defendant is entitled to an evidentiary hearing. Only if the trial court determines that an evidentiary hearing is to be held should counsel be appointed and the hearing be expedited. If the court decides that no evidentiary hearing is to be held, counsel need not be appointed.

A copy of this order shall be transmitted to the Chief Judge of the Criminal Division of the Wayne County Circuit Court and to the Chief of Appeals in the Wayne County Prosecutor's Office Appellate Division.

The Court retains no further jurisdiction.



Presiding Judge



A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

April 14, 2021

Date



Chief Clerk